

Message Text

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ACTION EUR-12

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FM AMEMBASSY BONN
TO SECSTATE WASHDC 0221
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO
USNMR SHAPE
CINC EUR VAIHINGEN

C O N F I D E N T I A L SECTION 01 OF 03 BONN 12505

E.O. 11652: GDS
TAGS: PGOV PW GE BQG
SUBJECT: FRG/GDR BORDER: GDR BACKS DOWN AFTER FRG
THREATEN TO REMOVE BUOYS FROM ELBE RIVER

REFS: (A) BONN 6917 DTG 221015Z APR 77 (NOTAL);
(B) BONN A-47 (NOTAL)

SUMMARY: THE FRG/GDR BORDER ALONG THE ELBE RIVER IS
ONE OF THE LESSER KNOWN OF THE ALLIED RESERVED RIGHTS.
THE BORDER HAS BEEN A SOURCE OF LOW-LEVEL
TENSION IN RECENT MONTHS AS THE GDR HAS SOUGHT TO ASSERT
ITS POSITION THAT THE RIVER'S MEDIAN LINE IS THE FRG/GDR
BORDER. THE BORDER QUESTION CAME CLOSE TO BEING A
SOURCE OF HEIGHTENED TENSION ON JULY 29 WHEN THE FRG
ANNOUNCED TO THE GDR ITS INTENTION OF REMOVING SOME
BUOYS PLACED BY THE GDR IN WHAT THE LATTER REGARDS AS
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ITS TERRITORY. THE ALLIES WERE INFORMED OF THIS ONLY
SHORTLY BEFORE THE ACTION WAS TO TAKE PLACE.
DISCUSSIONS ABOUT WHAT THE FRG MIGHT SAY TO THE PRESS
ABOUT HAVING INFORMED THE ALLIES WERE STILL IN PROGRESS
WHEN THE GDR ADMITTED THAT THE BUOYS HAD BEEN PLACED
BY MISTAKE AND UNDERTOOK TO REMOVE THEM IMMEDIATELY.
END SUMMARY.

1. THE ELBE RIVER BORDER HAS BEEN A SOURCE OF TENSION IN RECENT MONTHS, WITH SEVERAL WIDELY-PUBLICIZED INCIDENTS OF GDR PATROL BOATS REFUSING TO ALLOW FRG COMMERCIAL VESSELS TO ANCHOR ON THE EASTERN SIDE OF THE RIVER AND ORDERING FRG PLEASURE CRAFT OUT OF ALLEGED GDR TERRITORY, I.E., THE AREA EASTWARD OF THE MEDIAN LINE. THE FRG/GDR BORDER COMMISSION HAS BEEN UNSUCCESSFUL IN REACHING AN AGREEMENT ON A DEMARCATION OF THE BORDER AND SOME MONTHS AGO THE FRG PROPOSED TO THE GDR THAT THE QUESTION OF THE BORDER BE SET ASIDE WHILE ATTEMPTING TO SOLVE PRACTICAL PROBLEMS CONCERNING THE RIVER (REF A). THE FIXING OF A FINAL BORDER BETWEEN THE FRG AND THE GDR REMAINS AMONG THE ALLIED RESERVED RIGHTS, BUT THE ALLIES HAVE HAD LITTLE DESIRE TO ENTER THIS PARTICULAR FRAY. A DESCRIPTION OF THE HISTORY OF THE PROBLEM IS CONTAINED IN REF (B).

2. AS WITH ALL OF THE ALLIED RESERVED RIGHTS, HOWEVER, THESE HAVE AN UNPLEASANT TENDENCY TO INVOLVE US IN MATTERS WHICH WOULD OTHERWISE BE NONE OF OUR DIRECT CONCERN. ON JULY 27, THE GDR PLACED SEVERAL BUOYS IN THE ELBE TO MARK A SANDBANK NEAR DAMMNATZ (KM 509). THE BUOYS WERE PLACED AT A DISTANCE OF ABOUT 30 METERS FROM THE WEST BANK, ON THE RIGHT (EAST) SIDE OF THE SHIPPING WAY, WHICH IN THIS PART OF THE RIVER IS VERY CLOSE TO THE

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FRG BANK. THE BUOYS WERE REPORTEDLY NOT IN CONFORMITY WITH THE SYSTEM OF DEMARCATION WHICH HAD BEEN WORKED OUT IN THE FRG/GDR BORDER COMMISSION.

3. THE ALLIED EMBASSIES WERE INFORMED IN THE AFTERNOON OF JULY 29 BY LUECKING OF THE FOREIGN OFFICE THAT, ON INSTRUCTIONS FROM THE CHANCELLOR, FRG PERMANENT REPRESENTATIVE GAUS HAD SEEN GDR DEPUTY FOREIGN MINISTER NIER AT NOON THAT DAY AND DELIVERED A SEVERE PROTEST. POINTING OUT THAT THE ACTION WAS IN VIOLATION OF ARTICLE 23 OF THE FRG/GDR TRAFFIC TREATY AND OF PROTOCOL NOTE NO. 1 TO ARTICLE 23, GAUS DEMANDED THAT THE BUOYS BE REMOVED. NIER REPLIED THAT HE WAS NOT INFORMED OF THE MATTER BUT THAT HE THOUGHT NO VIOLATION OF THE TRAFFIC TREATY WAS INVOLVED.

4. ARTICLE 23 OF THE TRAFFIC TREATY OF MAY 26, 1972, PROVIDES THAT THE PARTIES TO THE TREATY GUARANTEE THAT INLAND SHIPPING WILL PROCEED SMOOTHLY ON THE SECTOR OF THE ELBE BETWEEN KM 472.6 AND KM 566.3 (I.E., THE PORTION OF THE ELBE WHICH FORMS THE FRG/GDR BORDER). PROTOCOL NOTE NO. 1 PROVIDES THAT THE TWO SIDES WILL

PROVIDE TIMELY ADVANCE INFORMATION TO EACH OTHER WITH
RESPECT TO WORK FOR THE MAINTENANCE OF TRAFFIC BETWEEN

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THESE TWO POINTS ON THE ELBE, AND ALSO THAT MARKING
OF THE SHIPPING CHANNEL WILL BE CARRIED OUT ON THE BASIS
OF MUTUAL COORDINATION.

5. THE FOREIGN OFFICE WAS ASKED BY THE CHANCELLOR,
LUECKING STATED, TO INFORM THE ALLIES BECAUSE THE FRG
INTENDED TO REMOVE THE BUOYS LATER IN THE DAY. THE
PLAN WAS TO UTILIZE A BOAT BELONGING TO THE
WATER AND SHIPPING ADMINISTRATION, ACCOMPANIED BY ONE
OR TWO CUSTOMS BOATS. LUECKING ASSUMED THE LATTER
WOULD BE ARMED.

6. BY WAY OF BACKGROUND, LUECKING STATED THAT IN
PREPARING THE RECENT RESEARCH PAPER ON THE STATUS OF
STALEMATED TALKS IN THE BOUNDARY COMMISSION ON
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DEMARCATON OF THE ELBE STRETCH OF THE BORDER (REPORTED IN REF A), HIS OFFICE HAD CONCLUDED THAT THE GDR WAS UP TO SOMETHING. THE FOREIGN OFFICE HAD RECOMMENDED THAT THE CHANCELLOR SEND A MESSAGE TO HONECKER TO THE EFFECT THAT THERE WOULD BE A VERY COMPLICATED SITUATION IF THE GDR WERE TO TAKE UNILATERAL MEASURES TO RESOLVE ISSUES THAT REMAINED UNDER DISCUSSION IN THE BORDER COMMISSION. LUECKING DID NOT KNOW WHETHER THE CHANCELLOR HAD ACTED ON THIS RECOMMENDATION OR NOT.

7. GIVEN SPECIAL BRITISH RESPONSIBILITY FOR THE BORDER AREA IN QUESTION, BRITISH DCM BULLARD PROMPTLY CALLED AT THE CHANCELLERY TO TAKE UP THE MATTER WITH STATE SECRETARY SCHUELER. BULLARD EXPRESSED DISPLEASURE WITH THE PRECIPITATE FRG ACTION AND ALSO WITH THE APPARENT INTENT OF THE FRG TO MENTION IN THE PRESS RELEASE THAT IT WAS PREPARING THAT THE ALLIES HAD BEEN INFORMED OF THE ACTION. SUCH A STATEMENT, IF UNELABORATED, COULD IMPLY THAT WE HAD BEEN CONSULTED AND HAD AGREED WITH THE ACTION.

8. IN ENSUING TRIPARTITE CONSULTATIONS ON HOW THE PRESS ISSUE WAS TO BE HANDLED, IT WAS AGREED THAT THE FRG SHOULD BE ASKED NOT TO MENTION THE ALLIES IN THE INITIAL PRESS RELEASE. WE REALIZED, OF COURSE, THAT ONE OF THE FIRST QUESTIONS JOURNALISTS WOULD ASK WOULD CONCERN THE ALLIED ROLE, AND THAT IT WOULD BE TOO MUCH TO ASK THE FOREIGN OFFICE TO DENY THAT IT HAD INFORMED THE ALLIES. WE THUS CONSIDERED ASKING THAT THE INITIAL RESPONSE SIMPLY STATE THAT THE FOREIGN OFFICE WAS IN THE PROCESS OF INFORMING THE THREE EMBASSIES. IF PRES PRESSED AS TO WHETHER THE ALLIES HAD CONCURRED, WE WOULD

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WANT THE FRG TO STATE ONLY THAT THE ALLIED EMBASSIES WERE INFORMING THEIR GOVERNMENTS.

9. AS FOR QUERIES THAT THE ALLIES MIGHT RECEIVE, OUR THINKING WAS THAT WE SHOULD ALSO INITIALLY RESPOND SIMPLY BY STATING THAT WE HAD BEEN INFORMED BY THE FOREIGN OFFICE OF THE FRG INTENTION TO REMOVE THE BUOYS AND WERE INFORMING OUR CAPITALS.

10. WHILE WE WERE IN THE PROCESS OF SEEKING AGREEMENT

ON A PRESS LINE, WE WERE INFORMED BY THE FRG THAT THE

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GDR HAD UNEXPECTEDLY INFORMED THEM THAT THE BUOYS HAD
BEEN PUT IN PLACE BY MISTAKE BY "SOME LOCAL OFFICIALS
WHO HAD EXCEEDED THEIR AUTHORITY" AND THAT
THE BUOYS WOULD BE IMMEDIATELY REMOVED.

11. COMMENT: ALTHOUGH THIS PARTICULAR AFFAIR APPEARS
TO HAVE BEEN SETTLED WITHOUT INCIDENT, THE ELBE RIVER
PROBLEM WILL CONTINUE TO BE WITH US. THE FRG HAS KEPT
US INFORMED OF ATTEMPTS TO SOLVE THE ELBE BORDER
PROBLEM BUT HAS NOT CONSULTED US IN THE RECENT PAST
ABOUT POSSIBLE MEASURES TO DEAL WITH IT. SHOULD A
SIMILAR PROBLEM ARISE IN THE FUTURE AND IF
THE FRG SEEKS TO INVOLVE US, WE WILL OF COURSE ATTEMPT
TO OBTAIN AS MUCH INFORMATION AS POSSIBLE ON THE FACTUAL
NATURE OF THE PROBLEM PRIOR TO RECOMMENDING AN ALLIED
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POSITION. BASED ON THIS INCIDENT, HOWEVER, IT APPEARS THE FRG MAY ATTEMPT TO DEAL WITH SUCH PROBLEMS ITSELF PRIOR TO SEEKING TO INVOLVE THE ALLIES. THE FACT THAT THE EMPLACEMENT OF THE BUOYS BY THE GDR HAD BEEN REPORTED BY FRG TELEVISION -- AND PORTRAYED AS A GDR CHALLENGE TO THE FRG -- UNDOUBTEDLY CONTRIBUTED TO THE CHANCELLOR'S DECISION THAT PRECIPITATE CORRECTIVE ACTION WAS REQUIRED. TODAY'S PRESS GAVE FRONT-PAGE COVERAGE TO THE INCIDENT, ALTHOUGH NOT OVERDRAMATIZING IT, AND THE SCHMIDT GOVERNMENT WILL NO DOUBT BENEFIT FROM ITS ACTION. THE PRESS GAVE SCANT ATTENTION TO A WIRE-SERVICE REPORT THAT "BY ALL ACCOUNTS" THE ALLIES HAD BEEN INFORMED. STOESSEL.

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